IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 17758 of 2003

Between:

B. Satyaraju, S/o. Satynandam, Staff No. 97759, Security Guard, O/o. A.P.S.R.T.C., Kurnool Depot, R/o. Vuyalavada (V), Orvakal Mandal, Kurnool District.

..... PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporation, Represented by its Vice Chirman & Managing Director, Musheerabad, Hyderabad.
2 The Depot manager, O/o. A.P.S.R.T.C., Kurnool Depot-1, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in reducing the petitioner's Basic Pay from Rs. 6770/- to Rs. 5970/- without issuing any notice or conducting any enquiry, as illegal, arbitrary, violative of principles of natural justice, and also violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to pay the basic pay of Rs. 6770/- from May 2003 onwards

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents: G.P.For Corporation

The Court made the following :

O R D E R:

This Court by order, dated 22.10.2003 granted interim direction in W.P.M.P.No.22140 of 2003 directing the respondents to pay the basic pay to the petitioner at the rate of Rs. 9770/-, pending further orders in the writ petition. There after, the respondent-Corporation filed W.V.M.P.No.4000 of 2003 seeking to vacate the interim order, dated 22.10.2003 stating that the petitioner was initially appointed as Security Guard in the Corporation on 15.5.1981 at the basic pay of Rs.180/-. As per the revised pay scales of 1989, instead of Rs.1145+12-30ps., his pay was fixed at Rs.1285+ 12-50ps. per month. As per the revised pay scale for the year 2001, basing on the previous fixation, the scale of the petitioner was fixed at Rs.67770 + 12-50ps. and the same was paid upto April 2003. On a verification made with regard to the pay fixation of petitioner, the Accounts Officer, Kurnool has pre-audited and fixed the pay of the petitioner at Rs.5840 + 12-50ps. with effect from 01.04.2003 and ordered to recover an amount of Rs.87,361-30ps. towards excess drawn emoluments from 01.05.1984 to 01.04.2003.

Admittedly, without issuing any notice, the basic pay of the petitioner was reduced by the respondent authorities from Rs.6770/- to Rs.5970/- per month. In spite of the representation made by the petitioner before the 2nd respondent, no opportunity was

given to him. In view of the above, I am of the opinion that the action of the respondents in canceling the earlier fixation of pay scale and recovery of arrears from the petitioner is illegal and against the principles of natural justice.

The writ petition is accordingly allowed as prayed for. However, the respondents may issue a notice to the petitioner and pass appropriate orders after affording an opportunity to the petitioner. No costs.

23.08.2004

c.c.in one week

B/o

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Kurnool Depot-1, Kurnool.

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